

Political Observer Workshop



2012

State law authorizes the appointment of party representatives who can be present at the polls and in voting places and who may act as challengers or political observers for the party which appointed the representative.
A.R.S. 16-590.

Federal observers & election officials are the only other observers who are eligible to be present in the polling place.

They have different access & standards to adhere to than party observers.



APPOINTMENT OF POLITICAL OBSERVER



Q. Who appoints a political observer on behalf of political parties?

A. The county chair of each recognized political party may appoint political observers.

Q. What is the maximum number of political observers that may be appointed by each appointing authority?

A. 1 A.R.S. 16-590(C).

Activities a political observer may observe:

- Early voting satellite activities.
- Election Day polling place activities.
- Early voting ballot board meeting activities.
- Central counting station activities.
- Activities of other election boards (receiving, duplicating, processing, etc.)
- Voter being assisted by an election official.
- Tabulation and election results.
- Hand count auditing of ballots

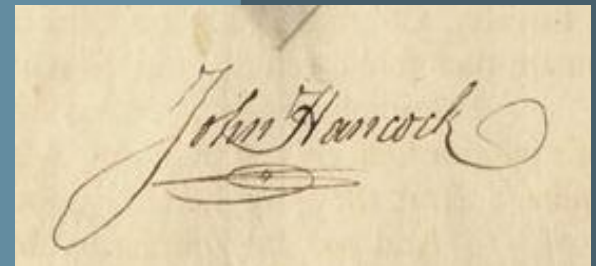


QUALIFICATIONS OF POLITICAL OBSERVER



Q. What are the qualifications of a political observer?

A. A political observer must have an original, signed letter of appointment from the county chair of the recognized political party in the precise format provided by the county chair to the election officer at least thirty days prior to the election. **A.R.S. 16-590**

A close-up image of a handwritten signature in cursive script, which reads "John Hancock". The signature is written in dark ink on a light-colored, aged piece of paper.

Presenting certificate of appointment:

- A political observer must deliver a certificate of appointment to the inspector or board worker at the time the political observer reports for service.
- A political observer may not be accepted for service if the political observer has possession of audio or video equipment. The board worker may inquire whether a political observer has possession of any prohibited recording devices before accepting the political observer for service.



Q. Does a political observer need to live within the election precinct in which the political observer is serving?

A. No, you can be assigned by the party to any precinct.

DUTIES AND PRIVILEGES OF POLITICAL OBSERVER



A. At the polling place on election day, a political observer:

- May begin service at any time after the inspector arrives and may stay at the polling place until election officials complete their duties.
- May arrive at a time of the political observer's choosing, although frequent remittance may be regulated as directed if determined by an election official to avoid interference or disruption of voting activities.




Q. What are the duties of a political observer?

- Ensure that all eligible voters are allowed to vote.
- Oversight of election procedures.
- A party representative may also challenge a voter for lack of qualifications under [A.R.S. 16-121.01](#) or on the ground that the person has voted before at that election. The proceedings for a challenge are governed by [A.R.S. 16-592 and 16-593](#).

Challenge Process

- Every polling place has a Signature Roster containing the list of the names of voters registered within that precinct.
- Other registered voters may have moved into that precinct and not updated their registration—they will vote a provisional ballot.

OFFICIAL SIGNATURE ROSTER/REGISTER
STATE OF ARIZONA

 AUGUST PRIMARY ELECTION
1220
PRIMARY
Election Date: AUGUST 28, 2012

0015 ALVARADO A-Z

NOTICE TO BOARD OF ELECTION

The elector shall announce his/her name and place of residence to the election official and present one form of identification from List #1 OR two different forms of identification from List #2 or #3. [A.R.S. § 16-579(A)]

LIST #1 —Sufficient Photo ID including name and address (ONE (1) Required)

- Valid Arizona driver license or non-operating identification
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government issued identification

LIST #2 —Sufficient ID without photograph bearing name and address (TWO (2) Required)

- Utility bill of the elector that is dated within ninety days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle insurance card
- Valid United States federal, state, or local government issued identification
- Voter Registration Card / Recorder's Certification
- Any "Official Election Material" mailing bearing your name and address

LIST #3 —MIX & MATCH from Lists #1 & #2 (TWO (2) Required)

- Any Valid Picture ID from List #1 with an address that does NOT match the Precinct Register WITH a non-photo ID from List #2 with an address that DOES match the Precinct Register.
- U.S. PASSPORT and one item from List #2
- U.S. MILITARY ID and one item from List #2

An elector who does not provide sufficient identification shall not be issued a regular ballot, but shall receive a provisional ballot and will have five (5) business days after a Federal General election and three (3) business days after any other election to provide sufficient identification to the County Recorder in order for their provisional ballot to count.

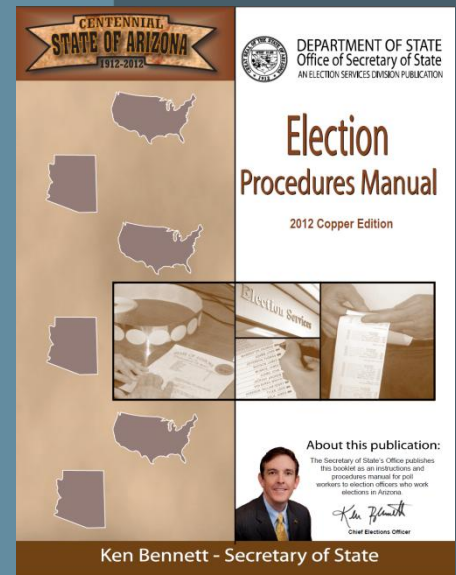
NOTE: ALL THE MEMBERS OF THE ELECTION BOARD MUST SIGN THE OATH OF OFFICE AND VERIFICATION OF ID CERTIFICATION.

THIS ROSTER MUST BE RETURNED IN THE GREEN CANVAS BAG

(1)

Challenge Process

- In the front of the Signature Roster are the reasons for, and the process of, challenging a voter.
- These pages are drawn directly from the Secretary of State's Procedures Manual which has the cause and effect of law.



Challenge Process

CHALLENGE PROCEDURES SPECIAL INSTRUCTIONS

Any qualified elector of the county, including poll workers, may orally challenge a voter on the grounds that:

- The voter is not the person whose name appears on the register.
- The registrant has not resided in the State of Arizona or the jurisdiction for twenty-nine days next preceding the election or other event for which the registrant's status as properly registered is in question.
- The voter has already voted at that election.
- The voter has been convicted of a felony and has not had the voter's civil rights restored.
- The voter is otherwise not a qualified elector. For example:
 - Out of district
 - 17 years old

A voter who has moved from one address to another within the county is not subject to challenge because of residence. [ARS §§ 16-591, 16-592 & 16-593]

Challenge Process

THE POLL WORKERS SHALL FOLLOW THE STEPS BELOW:

- 1. Check to see if the person challenging the voter is a qualified elector of the county.**
 - ☐ If the challenger is a qualified elector, then proceed to the next step
 - ☐ If not, then the challenge is invalid.
- 2. Have the challenged voter step aside.**
 - ☐ When a voter is challenged, the inspector should have challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.
- 3. The election board determines the validity of the challenge**
 - ☐ An election board comprised of the inspector and two judges must decide if the challenge is valid.
 - ☐ In determining a challenged voter's residency, the election board must use the rules laid out in ARS § 16-593.
 - ☐ An election board shall complete an Official Challenge List (*See form that follows*)
- 4. Check to see if the voter being challenged appears to be registered**
 - ☐ If the challenged voter appears to be registered, the challenged voter must take and subscribe to the oath prescribed in the "Affidavit of Registration"
 - ☐ If the challenged voter chooses, the voter may answer questions material to the challenge under oath to answer fully and truly all questions material to the challenge.
 - ☐ **Only the inspector** may address questions to the challenged voter.

Challenge Process

VALID CHALLENGE:

A provisional ballot shall be cast if any of the following apply:

- The challenged voter refuses to answer questions material to the challenge, **OR**
- The challenged voter does not subscribe to the affidavit of registration,

Notwithstanding a determination by the board of elections that a voter is not qualified to vote a regular ballot, the voter shall be allowed the right to vote a provisional ballot. [ARS § 16-584]

INVALID CHALLENGE:

If a majority of the election board finds the challenge to be **invalid**, the voter shall be permitted to vote a regular ballot.

Challenge Process

State of Arizona
Maricopa County
Official Challenge List

Of the _____ election held on _____
(Election Type) (Election Date)

in _____ precinct/district.
(Precinct Name/Number OR District Name)

State of Arizona)
County of Maricopa)

We, the undersigned **Board of Elections**, do hereby certify that the following list of challenges is correct.

Inspector

Judge

Judge

Voter / Register number	Name of Elector	Grounds for Challenge	Challenge Denied, Elector <u>Allowed</u> to Vote (mark with a check)	Challenge Upheld, Elector given <u>Provisional</u> Ballot (mark with a check)	Signature of Elector

STATE OF ARIZONA
)
COUNTY OF MARICOPA
)



I am a citizen of the United States, a resident of the State of Arizona and the above named county and precinct/district and I am eighteen years of age or over. I have not been convicted of treason or a felony (or if so, my civil rights have been restored). I certify under penalty of perjury under the laws of the State of Arizona, that the information on my registration is true and correct.

ESTADO DE ARIZONA
)
CONDADO DE MARICOPA
)

Soy ciudadano de los Estados Unidos, un residente del Estado de Arizona y del condado y precinto/distrito antes citado y que yo tengo diez y ocho años o más de edad. No se me ha declarado culpable de traición o de un crimen mayor (o se es así, se me han restaurado mis derechos civiles). Yo certifico bajo pena de perjurio, bajo las leyes de Estado de Arizona, que la información en mi registración es verdadera y correcta.

Q. What **is** a political observer permitted to do while on duty?

A. Political observers must observe the rules for polling place conduct provided by state law and the county election office. ***Political observers are required to observe instructions given by election inspectors and officials.***

Q. What **is** a political observer permitted to do while on duty?

A. A political observer may, but is not required to:

- Bring into the polling place a portable telephone, and *use it only at the discretion of the election inspector.*
- Sit or stand conveniently near the election officials to observe the activities of the election.

Q. What **is** a political observer permitted to do while on duty?

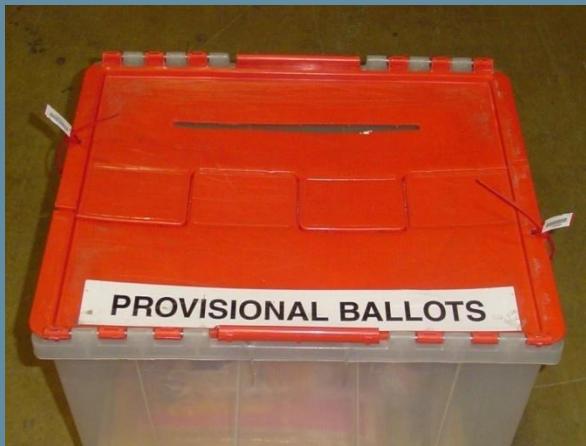
A. A political observer may, but is not required to:

- Make written notes while on duty.
- Observe assistance given to voters by election officials or others.
- Obtain a copy of the duplicate poll list (tear sheet) when the board worker has completed the sheet, if the observer is appointed by a major political party as defined by **A.R.S. 16-571**.

The image shows a sample of a "POLL LIST OF" form from Maricopa County, Arizona. At the top is the Maricopa County seal. Below it, the text "POLL LIST OF" is centered. A box labeled "PLACE PRECINCT LABEL HERE" is provided for the precinct name. Below this, it says "In Maricopa County, Arizona". A section titled "OFFICE USE ONLY" contains fields for "EAGLE TAPE", "PROVISIONALS", "MISREADS", "TOTAL", "POLL LIST", "VARIANCE", and "COMMENTS". At the bottom, there is a line for "AUDITED BY (INITIALS)" and a small "Rev. 1/2008" note.

Q. What are political observers **not** allowed to do while on duty?

- A. Political observers **may not** be within six feet of ballot boxes or voting booths unless by authority of the election officer (**A.R.S. 16-562, 16-590**).



Q. What are political observers **not** allowed to do while on duty?

- A. Political observers **may not** enter a voting booth except in their own voting precinct to mark their own ballot (**A.R.S. 16-590**).



Q. What are political observers **not** allowed to do while on duty?

A. To avoid disruption or interference with election procedures and voting at the polling place, political observers should not:

- Talk with an election officer regarding the election except to call attention to an irregularity or violation.
- Converse with a voter.
- Converse with other political observers.
- Communicate in any manner with a voter regarding the election.



Q. What are political observers **not** allowed to do while on duty?

- Interfere with voting or the discharge or performance of official duties (A.R.S. 16-1004) or other unlawful acts set forth by state law (e.g., A.R.S. 16-1001 to 16-1021)
- Reveal the following information before one hour after the polls close:
 - How a voter has voted. This offense is subject to criminal sanctions. (A.R.S. 16-1007)
 - The number of votes that have been cast, or the number of votes received for a candidate or for or against a measure, and whether a candidate or measure is passing or failing.

Q. What **is** a political observer permitted to do while on duty?

A. A political observer may, but is not required to:

- Observe the tallying and counting of the votes.
- Witness securing of the voting machines at the time the polls close.
- Receive an English translation of any communication spoken other than English between a voter and an election official.

Voting Rights Act

- Portions of the Voting Rights Act, including Minority Language coverage, was extended in 2006 by a unanimous vote in the Senate.
- It was signed by President Bush to be in place for another 25 years.



Possible Illegal Activities



Q. What illegal activities should a political observer look for?

A. The election board workers should be notified of any activity that appears to be prohibited by law. If any of the following activities occurs, bring it to the election inspector's attention and note the individual(s) involved, including time and place of occurrence, if possible.

Q. What illegal activities should a political observer look for?

- Electioneering and loitering within 75 feet of the main entrance of the building in which a polling place is located. (A.R.S. 16-515, 16-1017, 16-1018)
- Candidates in the polling place for a purpose other than voting.

Q. What illegal activities should a political observer look for?

- Unlawfully telling another person information that was obtained at the polling place about how a voter has voted.
- Unlawfully giving information about the status of the count or the names of people who have voted before one hour after the polls close.



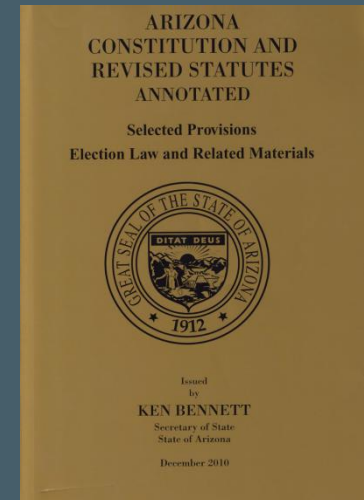
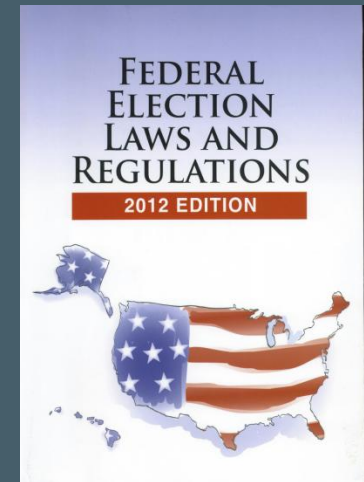
Q. What illegal activities should a political observer look for?

- Unlawfully influencing voter .
- Coercion of voters.
- Tampering with voting equipment.
- Illegal voting.
- Interfering with the election officials.
- Unlawful voter assistance or instruction.



Q. What illegal activities should a political observer look for?

- Inconsistent application of the law.
- Interfering with the voting process.
- Disregard of Federal and the State of Arizona election laws.



Final Reminders



Key points to remember:

- All voters must be asked for ID.
- If the voter has ID from the list and the address doesn't match they vote a provisional but DON'T have to come back.
- The ID does NOT have to be a photo ID—2 non-photo IDs suffice.
- Voter must vote in the precinct where they live in order for their vote to count.

Key points to remember:

- All voters have the right to assistance and can bring in someone of their choice to assist them.
- Voters can drop off their early ballots at ANY polling place in the county—they do not have to sign in or show ID.
- Voters designated as an early voter in the roster MUST vote a provisional ballot.

Key points to remember:

- You are acting as a representative of your Party to the public, and there is an expectation of:
 - Civility
 - Mutual respect
 - Patience
 - Cooperation.

Key points to remember

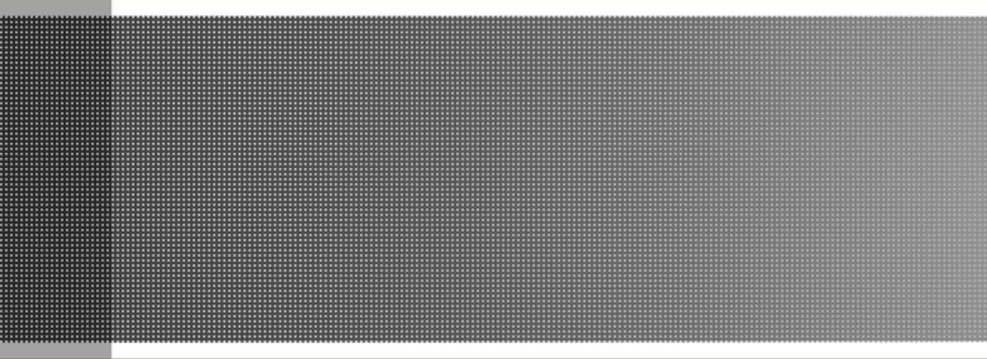
- Voter Information Line:

602-506-1511

- Attorney Hotline Number:

602-372-0409





On behalf of
Maricopa County Elections:
Thank you for your services in
the polls on Election Day.